

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PATRINA FREEMAN,

Plaintiff,

-vs-

**TOWN OF IRONDEQUOIT, KIMMIE
ROMEO, AND JOHN PERTICONE,**

Defendants.

NOTICE OF MOTION

Civil Action No.: 6:22-cv-6136
(DGL)

PLEASE TAKE NOTICE

MOTION MADE BY:

Defendants Town of Irondequoit,
Kimmie Romeo, and John Perticone

**DATE, TIME AND
PLACE OF HEARING:**

On a date to be set by the Court at the
United States District Court for the
Western District of New York at 100
State Street, Rochester, New York
14614

RELIEF SOUGHT:

Dismissal of the Plaintiff's Complaint
pursuant to Federal Rules of Civil
Procedure 4(a), 12(b)(6) and 12(b)(7)

GROUND FOR RELIEF:

The Complaint should be dismissed
pursuant to: Fed.R.Civ.P. 4(a) because
the Defendants have not been served
with a proper summons; Fed.R.Civ.P.
12(b)(6) because the Complaint fails to
state a claim upon which relief may be
granted; and Fed.R.Civ.P. 12(b)(7)
because the Plaintiff failed to join a
necessary party under Fed.R.Civ.P. 19.

RESPONDING/REPLY PAPERS:

Please take further notice that, pursuant
to Local Rule 7(b)(2)(B), responding

papers must be filed and served within fourteen (14) days after service of this motion, and that the moving defendants will have seven (7) days after service of the responding papers to file and serve reply papers.

SUPPORTING PAPERS:

Declaration of Scott P. Rogoff, dated April 25, 2022, and Memorandum of Law in Support of Defendants' Motion to Dismiss.

DATED: April 25, 2022

BARCLAY DAMON LLP

By: /s/ Scott P. Rogoff

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